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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,213	06/27/2001	Christian L. Struble	10010610-1	4820

7590 09/21/2004  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER	
ALVAREZ, RAQUEL	
ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/894,213

**Applicant(s)**STRUBLE, CHRISTIAN L. **Examiner**

Raquel Alvarez

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,6-9,16,17 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-9,16,17 and 19-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This application is in response to communication filed on 7/12/2004.
2. Claims 1, 6-9, 16-17, 19-30 are presented for examination.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-9, 16-17, 19-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau et al. (5,565,909 hereinafter Thibadeau) in view of Helferich (6,636,733 hereinafter Helferich).

With respect to claims 1, 6, 9, 16-17, 20-23, 26, 29 Thibadeau teaches a method for controlling the presentation of advertisements, the method being practiced by a local computing device having a processing device and a memory (Abstract). Receiving local weather information from a sensing unit that is separate from the computing device and transmitted from a remote server via a network (col. 4, lines 14-24 and col. 13, lines 13-61).

With respect to determining which advertisements are appropriate for presentation using the local computing device and based upon the received weather condition information and presenting the ads on a local display unit. Thibadeau teaches

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sending flood or tornado warnings on a user terminal based on the weather conditions (col. 4, lines 25-38 and col. 13, lines 22 to col. 14, lines 1-57). Thibadeau does not specifically teach that the messages transmitted are advertisements. Helferich teaches advertisements that are based on the measured weather condition. A weather of 98 degrees will provide an advertisement for Coke)(col. 10, lines 10-15). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have replaced the warnings information with the advertisements of Helferich because such a modification would motivate and would increase the consumption of certain products based on the weather condition.

Claims 7 and 27 further recite that the presentation of the ads is on a display mounted to a fuel pump. Helferich teaches that the advertisements are presented on a display mounted to telephone 10. Helferich does not specifically teach mounting the display on a fuel pump. Official notice is taken that it is old and well known in gas stations and the like to have advertisements display on a fuel pump in order to induce the customers to make purchases while pumping gas. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included presentation of the ads is on a display mounted to a fuel pump in order to achieve the above mentioned advantage.

With respect to claims 8, 19, 28 and 30, Helferich further teaches that the local time of day is used as a selection criteria (col. 9, lines 66-, col. 10, lines 1-16). It would

have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included using the time of day as a selection criteria because such a modification would help to better target the advertisements.

Claims 24-25 further recite disqualifying available advertisements with reference to a correlation table. Since the combination of Thibadeau and Helferich teach determining which advertisements to present based on the weather conditions then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included disqualifying available advertisements with reference to a correlation table because such a modification would allow the process of determining which advertisements to present easier by disqualifying the ads that are not relevant.

#### **Response to Arguments**

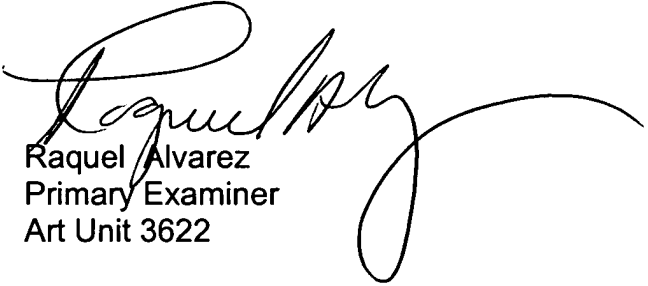
4. The 101 rejections have been withdrawn.
5. The claims arguments have been considered but are moot in view of the new ground(s) of rejection.

#### **Point of contact**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (703)305-0456. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
9/17/04